

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re:	Paten	t Application of Hargens et al.	Docket No.: 1320	
Serial	No.:	09/628,831	Examiner: Unknown	
Filed:		July 31, 2000 )	Group Art Unit: 2756	
For:	COM	MUNICATION ACCOUNT SYSTEM)		
CERTIFICATE OF MAILING 37CFR1.8(a)  I hereby certify that this correspondence, along with all papers referred to as being enclosed or attached, are being deposited with the United States Postal				
Service, with sufficient first class postage, on the date below, addressed to: Box Missing Parts, Assistant Commissioner for Patents, Washington, D.C. 20231.				

# PETITION UNDER 37CFR 1.47(a) TO ACCEPT THE FILING OF A DECLARATION IN A NON-PROVISIONAL APPLICATION IN THE ABSENCE OF ONE OF THE INVENTORS' SIGNATURES

The undersigned attorney of record hereby petitions to have the enclosed Declaration accepted under 37 CFR 1.47(a) in the absence of the signatures of all of the inventors. Enclosed herewith is a Statement reciting the proof of the pertinent facts, the fee set forth in section 1.17(i), and the last known address of the nonsigning inventor Jo Temming is noted below.

As described in the enclosed Statement, the inventor Jo Temming, named in this Non-Provisional Application No. 09/628,831, located at a last known address of 10901 West 131st Street, Overland Park, KS 66213 cannot be found or reached after diligent effort.

The undersigned forwarded a copy of the Declaration and Application to the nonsigning inventor Jo Temming on October 15, 2000.

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The undersigned believes that this submission perfects the filing of the above-noted Non-Provisional Application. Applicant authorizes the Commissioner to charge \$130 to Sprint deposit account #21-0765. Any additionally required fees to deposit account #21-0765.

Respectfully submitted,

SIGNATURE OF PRACTITIONER

Travis C. Stephenson, Reg. No. 45,132

Phone:(303) 379-1131 Fax: (303) 379-1155

CORRESPONDENCE ADDRESS: Customer No. 021396

ATTORNEY CONTACT:

Attn: Harley R. Ball Sprint Law Department 8140 Ward Parkway Mailstop: MOKCMP0506

Kansas City, Missouri 64114

990

Practitioner's Docket No. 1320

**PATENT** 

FEB 2 2 2001

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

application of: Hargens, Michael K.; Temming, Jo

Application No.: 09/628,831

Group No.: 2756 Examiner: Unknown

Filed: 07/31/2000 Examiner
For: COMMUNICATION ACCOUNT SYSTEM

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**Box Missing Parts** 

**Assistant Commissioner for Patents** 

Washington, D.C. 20231

OFFICE OF PETITIONS

## RESPONSE TO "NOTICE TO FILE MISSING PARTS OF NON-PROVISIONAL APPLICATION"

- 1. Applicant responds to the "NOTICE TO FILE MISSING PARTS OF NON-PROVISIONAL APPLICATION" mailed September 14, 2000. A copy of the "NOTICE TO FILE MISSING PARTS OF NON-PROVISIONAL APPLICATION" is attached.
- 2. In response, applicant hereby submits the accompanying documents:
  - 1. Combination Declaration and Power of Attorney executed by one of the inventors.
  - 2. Petition Under 37CFR1.47(a) to Accept the Filing of a Declaration in a Non-Provisional Application in the Absence of One of the Inventors' Signatures.
  - 3. Statement of Facts in Support of Filing on Behalf of Non-Signing Inventor (37 C.F.R. Section 1.47)
  - 4. Exhibits A-E
- 3. Applicant submits a Petition and Fee for Extension of Time (37CFR section 1.136(a)). The extended period for response will expire on February 14, 2001.
- **4.** Applicant authorizes that the amount of \$1630.00 be charged to Sprint deposit account 21-0765 for additional claims and fee for missing parts. Any additionally required fees may be charged to deposit account 21-0765.

Respectfully submitted,

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SIGNATURE OF PRACTITIONER

Travis C. Stephenson, Reg. No. 45,132

ATTORNEY CONTACT:

Phone: (303) 379-1131

Fax:

(303) 379-1155

#### **CORRESPONDENCE ADDRESS:**

Customer No. 021396

Attn: Harley R. Ball Sprint Law Department 8140 Ward Parkway

Mailstop: MOKCMP0506 Kansas City, Missouri 64114



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#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

in re application of:

Michael K. Hargens, Jo Temming

For: COMMUNICATION ACCOUNT SYSTEM

The specification of which was filed on July 31, 2000, as Application No. 09/628,831.

## STATEMENT OF FACTS IN SUPPORT OF FILING ON BEHALF OF NONSIGNING INVENTOR (37 C.F.R. SECTION 1.47)

This statement is made as to the exact facts that are relied upon to establish the diligent effort made to secure the execution of the declaration by the nonsigning inventor for the above identified patent application before deposit thereof in the Patent and Trademark Office.

This statement is being made by the available person having first-hand knowledge of the facts recited therein.

#### IDENTIFICATION OF PERSON MAKING THIS STATEMENT OF FACTS

Travis C. Stephenson Duft, Graziano & Forest, P.C. PO Box 270930 Louisville, CO 80027

#### LAST KNOWN ADDRESS OF THE NONSIGNING INVENTOR

Jo Temming 10901 West 131st Street Overland Park, KS 66213 RECEIVED

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#### DETAILS OF EFFORTS TO REACH NONSIGNING INVENTOR

- 1. On or about September of 1999, the undersigned attorney Travis Stephenson ("Stephenson") met with Applicant Jo Temming and Applicant Mike Hargens ("Hargens") to discuss the preparation and filing of the above referenced patent application.
- 2. On or about February 4, 2000, Stephenson sent correspondence, a self addressed, stamped envelope and first draft of the patent application to Jo Temming's last known address. The correspondence requested Jo Temming's comment on the first draft of the patent application.

Stephenson received no response from Jo Temming. (See Exhibit A of this statement).

- On or about June 27, 2000, Stephenson contacted Sprint Communications ("Sprint") to verify Jo Temming's last known address. Sprint confirmed Jo Temming's last known address of: 10901 West 131<sup>st</sup> Street, Overland Park, Kansas 66213.
- 4. On or about June 27, 2000 Stephenson performed an Internet search for additional contact information for Jo Temming on www.theultimate.com, a website for searching addresses and phone numbers. Stephenson was unable to locate any information on Jo Temming.
- 5. On or about October 31, 2000 Stephenson sent a second correspondence and draft of the patent application, certified mail return receipt requested, to Jo Temming's last known address. On November 30, 2000, Stephenson received the certified mail return post card, signed by a David Temming. (See Exhibit B and C of this statement) The return post card indicated that an addressee's address of: 2908 McKinney Ave, Apt. 242, Dallas, TX 75204-8606.
- 6. On or about December 15, 2000, Stephenson sent a third correspondence and draft of the patent application, certified mail return receipt requested, to the Dallas address. On December 27, 2000, Stephenson received the certified mail return post card, again signed by a David Temming. (See Exhibit D and E of this statement)
- 7. As of the date of this declaration, Stephenson has received no response from Applicant Jo Temming.

Date: 2/14/01

Travis C. Stephenson, Reg. No. 45,132

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PEB 2 2 ZUUI DUFT, GRAZIANO & FOREST, P.C. 1790- 30TH STREET, SUITE 140

James M. Graziano Carl A. Forest Dan Cleveland, Jr. Michael J. Setter Curtis A. Vock Halina S. Dziewit BOULDER, CO 80301 PHONE: (303) 449-9497 FAX: (303) 449-0814 William P. Wilbar Thomas Swenson Travis C. Stephenson Eugene G. Kim Brett L. Bornsen

Of Counsel: Donald M. Duft, P.C.

February 4, 2000

Ms. Jo Temming 10901 West 131<sup>st</sup> Street Overland Park, Kansas 66213

Re:

Patent Application for: COMMUNICATION ACCOUNT SYSTEM

Sprint Docket No. 1320

Our Reference No.: 9201/106

#### Dear Ms. Temming:

A first draft of the patent application related to your invention is attached. Please review this draft to verify that it is technically accurate and that it discloses sufficient information to enable a person skilled in the relevant technical area to make and use the invention. The draft must also disclose the best mode known by you for carrying out the invention. Please review the claims at the end of the draft carefully. The broadest claims should cover only the essential elements of your invention while excluding non-essential features.

You have a duty of candor to reveal to the Patent Office any publications or patents that you know of that would be material in assessing the patentability of the invention. This would include any documents that disclose material aspects of the invention. In addition, you should inform me of any commercialization, sales, offers to sell, or public use related to the invention. You will have to sign a statement declaring that you have met your duty of candor and that you are the first to invent the claimed subject matter.

Please review the draft carefully for completeness and accuracy as no new matter may be added after the application has been filed with the U.S. Patent Office. Contact me with any questions, comments, or edits. Also, bring any items to my attention that are required to satisfy your duty of candor. A return postage paid envelope is enclosed for your convenience. I look forward to hearing from you soon.

Very truly yours,

Travis Stephenson

Travo Stephensorfend

TCS:emd Enclosures

#### JH GRAZIANO & FOREST, ... C 867 COAL CREEK CIRCLE, SUITE 200

James M. Graziano Carl A. Forest Michael J. Setter Halina S. Dziewit William P. Wilbar

LOUISVILLE, CO 80027-9750 PHONE: 303-379-1100 FAX: 303-379-1155 Thomas Swenson Travis C. Stephenson Eugene G. Kim Brett L. Bornsen

Of Counsel: Donald M. Duft, P.C.



October 31, 2000

Via: Certified Mail

Ms. Jo Temming 10901 West 131<sup>st</sup> Street Overland Park, Kansas 66213

Re: Patent Application for: COMMUNICATION ACCOUNT SYSTEM

Sprint Docket No. 1320

Our Reference No.: 9201/106

Dear Ms. Temming:

A copy of the patent application related to your invention is attached. Please review the application to verify that it is technically accurate and that it discloses sufficient information to enable a person skilled in the relevant technical area to make and use the invention. If you have any questions please contact me immediately at (303) 379-1131 or at the above address. Otherwise please read, sign, and return the enclosed declaration and assignment. A return postage paid envelope is enclosed for your convenience. I look forward to hearing from you soon.

Very truly yours,

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Travis Stephenson

TCS:emd Enclosures

on the reverse side?	SENDER:  Complete items 1 and/or 2 for additional services. Complete items 3, 4a, and 4b. Print your name and address on the reverse of this form so that we can return this card to you.  Attach this form to the front of the mailpiece, or on the back if space does not permit. Write "Return Receipt Requested" on the mailpiece below the article number. The Return Receipt will show to whom the article was delivered and the date delivered.			wish to receive the follow- vices (for an extra fee):  ddressee's Address estricted Delivery
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Travis C. Stephenson, Esq. Duft, Graziano & Forest, P.C. P.O. Box 270930 Louisville, CO 80027-9750

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### DUFT, GRAZIANO & FOREST, P.C.

James M. Graziano Carl A. Forest Michael J. Setter Halina S. Dziewit William P. Wilbar 867 COAL CREEK CIRCLE, SUITE 200 LOUISVILLE, CO 80027-9750 PHONE: 303-379-1100 FAX: 303-379-1155

Thomas Swenson Travis C. Stephenson Eugene G. Kim Brett L. Bornsen



Of Counsel: Donald M. Duft, P.C.

December 15, 2000

#### Via Certified Mail, Return Receipt Requested

Ms. Jo Temming 2808 McKinney Avenue, Apt. 242 Dallas, Texas 75204-8606 **RECEIVED** 

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Re: Patent Application for: COMMUNICATION ACCOUNT SYSTEM

Sprint Docket No. 1320

Our Reference No.: 9201/106

Dear Ms. Temming:

A copy of the patent application related to your invention is attached. Please review the application to verify that it is technically accurate and that it discloses sufficient information to enable a person skilled in the relevant technical area to make and use the invention. If you have any questions please contact me immediately at (303) 379-1131 or at the above address. Otherwise please read, sign, and return the enclosed declaration and assignment. A return postage paid envelope is enclosed for your convenience. I look forward to hearing from you soon.

Very truly yours,

Travis Stephenson

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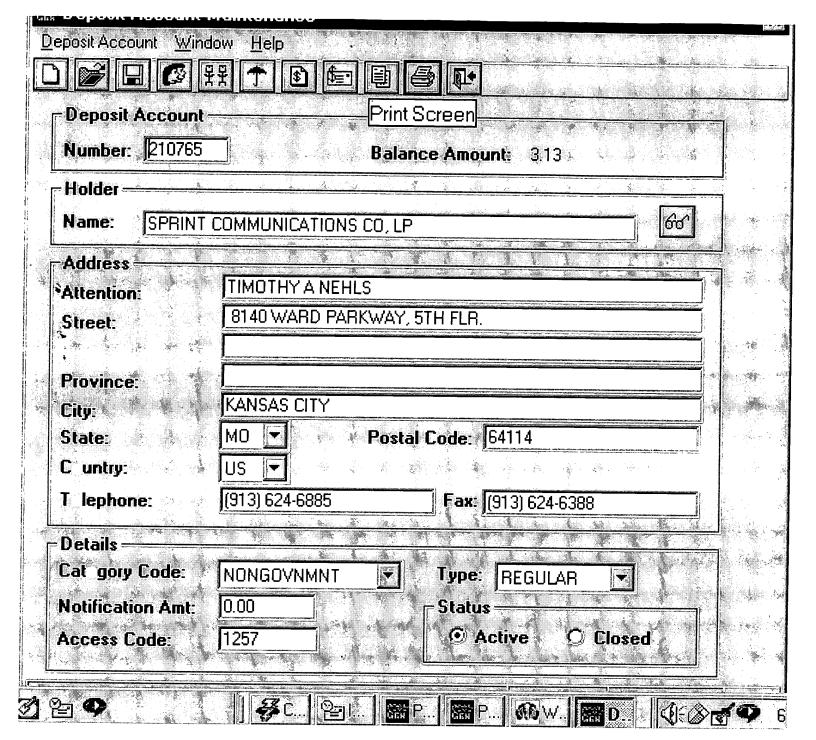
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If you have any question, please contact Cynthia Streater (OIPE/JCWS RAM- Team) at 703-306-5430.			
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#### ATTACHMENT TO PTO 1533

#### Notification of Insufficient Funds

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Current Balance: 3 · (3









COMMISSIONER FOR PATENTS UNITED STATES PATENT AND TRADEMARK OFFICE WASHINGTON, D.C. 20231

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APPLICATION NUMBER

FILING/RECEIPT DATE

FIRST NAMED APPLICANT

ATTORNEY DOCKET NUMBER

09/628,831

07/31/2000

Michael K. Hargens

1320

021396 SPRINT COMMUNICATIONS COMPANY HARLEY R BALL 8140 WARD PARKWAY 5W KANSAS CITY, MO 64114



Date Mailed: 09/14/2000

#### NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

#### Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- Total additional claim fee(s) for this application is \$1500.
  - \$1422 for 79 total claims over 20.
  - \$468 for 6 independent claims over 3.
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

• The balance due by applicant is \$ 1630.

A copy of this notice MUST be returned with the reply.

**DUFT, GRAZIANO &** FOREST, P.C.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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#### Certificate of Mailing under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Box Missing Parts, Assistant Commissioner for Patents Washington, D.C. 20231

on 2/14/01.
Date

Signature

Evon M. Davis

Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Response to "Notice to File Missing Parts of Non-Provisional Application" (2 pages)

Copy of Notice to File Missing Parts of Non-Provisional Application (1 page)

Petition and Fee for Extension of Time (2 pages)

Combination Declaration and Power of Attorney (2 pages)

Petition Under 37CFR 1.47(a) to Accept the Filing of a Declaration in a Non-Provisional Application in

the Absence of One of the Inventors' Signatures (2 pages)

Statement of Facts in Support of Filing on Behalf of Nonsigning Inventor (37C.F.R. Section 1.47)

Exhibits A-E (5 pages)

Return receipt postcard

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Burden Hour Statement: This form is estimated to take 0.03 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



As a below named inventor, I hereby declare that my residence and citizenship are as stated below next to my name. I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled "COMMUNICATION ACCOUNT SYSTEM" the specification of which is filed herewith, if not identified here by filing date and application number, and is attached hereto. I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with 37 CFR 1.56(a). I hereby claim foreign priority benefits under 35 USC 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate by me or my representatives or assigns for this invention having a filing date before that of the application on which priority is claimed:

Application No.	in	on	priority claimed ( ) Yes ( ) No
Application No.	in	on	priority claimed ( ) Yes ( ) No
Application No.	in	on	priority claimed ( ) Yes ( ) No

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

(Application Number)	(Filing Date)	(Status-patented, pending, abandoned)
(Application Number)	(Filing Date)	(Status-patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 USC 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon. I hereby appoint, individually and collectively, the following as my/our attorney or agent with full power of substitution and revocation, to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected therewith:

Registration No. 31,733; Harley R. Ball Registration No. 35,875; Steven J. Funk Registration No. 37,936; Michael J. Setter Dan Cleveland, Jr. Registration No. 36,106; Carl A. Forest; Registration No. 28,494; Registration No. 28,300; James M. Graziano Curtis A. Vock Registration No. 38,356; Thomas Swenson Registration No. 36,696; William P. Wilbar Registration No. 43,265; Travis C. Stephenson Registration No. 45,132; Eugene G. Kim Registration No. 46,267; and Brett Bornsen Registration No. P46,566



PLEASE ADDRESS ALL **COMMUNICATIONS TO:** 

ATTORNEY CONTACT:

**CUSTOMER NUMBER:** 021396

Attn: Harley R. Ball Sprint Law Department 8140 Ward Parkway

Mailstop: MOKCMP0506 Kansas City, Missouri 64114

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Travis C. Stephenson

Phone: (303) 379-1100

OFFICE OF PETITIONS

(303) 379-1155

JOINT INVENTOR

Michael K. Hargens Inventor (1)

(Type or Print)

**United States** 

Citizenship:

Date: // 4. 2000

Residence:

410 West 67th Terrace

Kansas City, MO 64113

JOINT INVENTOR

Inventor (1) Jo Temming

(Type or Print)

(Signature in Full)

Citizenship:

United States

Date:\_\_

Residence:

10901 West 131st Street

Overland Park, KS 66213